

Application No.: 10/697,772

Docket No.: JCLA10907

**REMARKS****Present Status of Application**

This is a full and timely response to the outstanding final Office Action mailed on July 03, 2006. The Office Action rejected claims 1-17, and 19 under 35 U.S.C. 102(b) as being anticipated by Walsh et al. 6,202,121 ("Walsh", hereinafter). Claim 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. and further in view of Tse et al. (US Patent 6,282,544, "Tse", hereinafter).

Applicants have canceled claims 5 and 12 and respectively introduced features of claims 5 and 12 into claims 1 and 8, and also amended claim 8 to more clearly define the present invention. After entry of the foregoing amendments, claims 1-4, 6-11, 13-20 remain pending in the present application. It is believed that no new matter is added by way of these amendments made to the claims or otherwise to the application.

Applicants have most respectfully considered the remarks set forth in this Office Action. Regarding the obvious rejections, it is however strongly believed that the cited references are deficient to adequately teach the claimed features as recited in the presently pending claims. The reasons that motivate the above position of the Applicant are discussed in detail hereafter, upon which reconsideration of the claims is most earnestly solicited.

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Amendments to the Claim 8

Applicants have amended claim 8 to recite "An operating system loading method, for loading an operating system stored in a plurality of clusters of a storage device, comprising: reading a cluster-list-table; sorting the cluster-list-table according to a sequence of a cylinder number, a head number, and a sector number; creating an updated cluster-list-table after sorting the cluster-list-table; and loading the operating system according to the updated cluster-list-table." The amendments are supported in the original specification, for example, in the FIG.3 tables (A) and (B), and the corresponding description in Para. [0020]. It is believed that no new matter is added by way of the amendments made to claim 8.

Claim Rejections – 35 U.S.C. § 102

The Office Action rejected claims 1-17, and 19 under 35 U.S.C. 102(b) as being anticipated by Walsh et al. 6,202,121.

In response to the rejections thereto, Applicants traverse this rejection. As such, Applicant submits that claims 1-4, 6-11, 13-20 are now in condition for allowance.

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Rejections to Claims 1-4, 6-7, 15-18

With respect to claim 1, as currently amended, recites in part:

An operating system loading method ... comprising:

**judging whether the operating system is first time booted or not;  
creating a cluster-list-table if the operating system is first time booted; and  
loading the operating system according to the cluster-list-table, wherein the  
cluster-list-table is sorted based on a cylinder number, a head number, and  
a sector number (Emphasis added)**

Applicants submit that such an operating system as set forth in claim 1 is neither taught, disclosed, nor suggested by the Walsh reference, or any of the other cited references, taken alone or in combination.

In response to the previous Office Action, Applicants submitted that 'the Walsh reference fails to disclose, teach or suggest the steps of "judging whether the operating system is first time booted or not" and "creating a cluster-list-table if the operating system is first time booted" as set forth in claim 1. Further, although the Walsh reference discloses a load sequence list, he teaches no condition, i.e., "if the operating system is first time booted" as set forth in claim 1, necessary for creating such a load sequence list.

In "Response to Arguments" section of the current Office Action, the Examiner disagree with the Applicants as the Examiner believes that "the Walsh reference discloses monitoring whether or not to install a new version of their operating system (see column 3, lines 2-6) and creating a load sequence list if the operating system is new (see column 9, line 50; and column 10, lines 10-12)".

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However, such a step can not be found either clearly or inherently taught in the indicated section of the Walsh reference. In column 3, lines 2-6, the Walsh reference teaches “[S]uch a method should **avoid the need to monitor** application program files **after they are installed** on a logical disk and should **not require users to acquire and install a new version of their operating system software**” (Emphasis added). If any, comparing with the present method as set forth in claim 1, the Walsh reference teaches a method that does not need to monitor application program files. The Walsh reference teaches nothing about “monitoring whether or not to install a new version of their operating system”, while it teaches a method that does not require installing a new version of operating system at all. Applicants submit that what is shown in “column 3, lines 2-6” gives evidence destroying rather than supporting the Examiner’s assertion.

Applicants further submit that Walsh fails to disclose the feature that “the cluster-list-table is sorted based on a cylinder number, a head number, and a sector number” as recited in the amended claim 1. The Office Action relied on the disclosure in col. 7, lines 17-19 of the Walsh reference to reject the features of “the cluster-list-table is sorted based on a cylinder number, a head number, and a sector number” as recited in original claim 5, which are introduced into claim 1. However, as disclosed in the col. 7, lines 17-19 of the Walsh reference, it is stated that “[T]he sectors on each track are grouped into clusters. The grouping of sectors into clusters is performed by the operating system and thus is not a physical delimitation.” There is nothing disclosed about the feature that “the cluster-list-table is sorted based on a cylinder number, a head number, and a sector number” as recited in the amended claim 1, instead, it disclosed a common

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knowledge that "the sectors on each track are grouped into clusters." The feature is not found either clearly or inherently taught in the indicated section of the Walsh reference.

The Examiner contends in the "Response to Arguments" section of the current Office Action, "Walsh discloses sorting the load sequence list according to removed files and reinstalled files which would entail a new cylinder, head, and/or sector numbers". Applicants respectfully disagree with the Examiner's opinion. For those skilled in this art, the cylinder, head and/or sector numbers are defined the physical locations within a hard disk driver. The files may be stored in those different physical locations with the hard disk driver which are allocated by the operation system. Thus, the cluster-list-table keeps the relations between the files and the corresponding physical locations within the hard disk driver. Walsh discloses sorting the load sequence list according to removed files and reinstalled files, and the removed files and reinstalled files are stored in some physical locations which are defined by cylinder, head, and/or sector numbers. However, no evidence had proved that **the cluster-list-table which contains the corresponding physical locations of those files is sorted according to cylinder, head, and/or sector numbers.**

Therefore, the Walsh reference fails to teach, disclose or suggest each and every element as set forth in amended claim 1, thus claim 1 is submitted to be novel and unobvious over the Walsh reference, and should be allowable (MPFP §2131).

If independent claim 1 is allowable over the prior art of record, then its dependent claims 2-4, 6-7, 15-18 are allowable as a matter of law, because these dependent claims contain all features/elements/steps of their respective independent claim 1. *In re Finc*, 837 F.2d 1071 (Fed.

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Cir. 1988). In addition, there are other reasons why these dependent claims are allowable, for example, the Walsh reference fails to disclose, teach or suggest the feature of "generating a check sum for the operating system if the operating system is first time booted; and judging whether an operating system file is modified or not based on the check sum" as recited in claim 2.

The Office Action relied on the disclosure in col. 3, lines 2-6 of the Walsh reference to reject the features of "judging whether an operating system file is modified or not based on the check sum" as recited in claim 2. However, as discussed above, in column 3, lines 2-6, the Walsh reference teaches "[S]uch a method should avoid the need to monitor application program files after they are installed on a logical disk and should not require users to acquire and install a new version of their operating system software". There is nothing disclosed about the feature, instead, it disclosed a method which should avoid the need to monitor application program files after they are installed on a logical disk. The feature is not found either clearly or inherently taught in the indicated section of the Walsh reference. Applicants submit that what is shown in "column 3, lines 2-6" gives evidence destroying rather than supporting the Examiner's assertion.

#### Rejections to Claims 8-17 and 19

With respect to claim 8, as currently amended, recites in part:

An operating system loading method, for loading an operating system stored in a plurality of clusters of a storage device, comprising:

reading a cluster-list-table;

sorting the cluster-list-table according to a sequence of a cylinder number, a head number, and a sector number;

creating an updated cluster-list-table after sorting the cluster-list-table; and

loading the operating system according to the updated cluster-list-table.

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First of all, Applicants submit that in order to reject the present operating system loading method as set forth in claim 8, the Examiner recites steps of "a method 200 for creating an installation disk" (Column 10, lines 1 and 2; FIG. 2).

Further, Applicants submit that the Walsh reference at least fails to teach, disclose or suggests features of "sorting the cluster-list-table according to a cylinder number, a head number, and a sector number and creating an updated cluster-list-table after sorting the cluster-list-table" that are required for the present operating system loading method as set forth in amended claim 8.

The Examiner contends in the "Response to Arguments" section of the current Office Action, "Walsh discloses sorting the load sequence list according to removed files and reinstalled files which would entail a new cylinder, head, and/or sector numbers".

Applicants respectfully disagree with the Examiner's opinion. As the Walsh reference teaches, "[A]t step 220 the method 200 analyzes the contents of the initial load sequence list and removes files that will not be optimized or reinstalled on a user's computer when the program is installed ..." (column 10, lines 35-46; emphasis added). Such a step 220 performs two paratactic sub-steps, analyzing and removing. There is no evidence supporting that the load sequence list is analyzed or sorted according to removed files and reinstalled files as contended by the Examiner (Emphasis added).

Furthermore, since the steps recited by the Examiner are carried out to create an installation disk rather than to load an operating system, the Walsh reference fails to teach "loading the operating system according to the sequence of the cluster-list table". The Examiner

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contends that the Walsh reference discloses ... loading the operating system according to the sequence of the cluster-list-table (see column 10, lines 11-12; and column, lines 47-49) (page 3 of the current Office Action). However, Applicants submit that although the Walsh reference teaches in "column 10, lines 11-12" that "[A]t this point, the files are installed on a computer and the program is launched", the files are "application-related files" (see column 10, line 3), rather than "operating system". As to "column, lines 47-49", although it is taught that one or more final load sequence lists are created, there is no teaching of "creating an updated cluster-list-table after sorting the cluster-list-table and loading the operating system according to the updated cluster-list-table" as set forth in claim 8.

Therefore, the Walsh reference fails to teach, disclose or suggest each and every element as set forth in amended claim 8, thus claim 8 is submitted to be novel and unobvious over the Walsh reference, and should be allowable.

If independent claim 8 is allowable over the prior art of record, then its dependent claims 9-17 and 19 are allowable as a matter of law, because these dependent claims contain all features/elements/steps of their respective independent claim 8. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). In addition, there are other reasons why these dependent claims are allowable, for example, the Walsh reference fails to disclose, teach or suggest the feature of "judging whether an operating system file is modified or not based on the check sum" as recited in claim 9.

The Office Action relied on the disclosure in col. 9, line 50 and col. 10, lines 10-12 of the Walsh reference to reject the features of "generating a check sum for the operating system if the operating system is first time booted; and judging whether an operating system file is modified or



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not based on the check sum" as recited in claim 9. In col. 9, lines 47-51, the Walsh reference teaches "[I]n general terms, this is accomplished by determining the order in which various portions of the files are accessed during launch, creating a load sequence list, which is included on the installation disk, and installing the launch-related portions of the files in the order dictated by the load sequence list." In col. 10, lines 10-12, the Walsh reference teaches "[A]fter the files are created, the method 200 proceeds to step 210. At this point, the files are installed on a computer and the program is launched." There is nothing disclosed about the feature that "generating a check sum for the operating system if the operating system is first time booted; and judging whether an operating system file is modified or not based on the check sum", instead, the Walsh reference teaches "a load sequence list" is created for installing the launch-related portions of the files. The features recited in claim 9 are not found either clearly or inherently taught in the indicated section of the Walsh reference.

**Claim Rejections – 35 U.S.C. § 103**

Claim 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. and further in view of Tse et al. (US Patent 6,282,544).

Applicants submit that claims 18 and 20 respectively depend on allowable independent claims 1 and 8, and thus should also be allowable.

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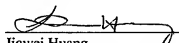
CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-4, 6-11, 13-20 are in proper condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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